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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,094	06/01/2001	Ryohei Tsukamoto	14648	2445

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EXAMINER

GART, MATTHEW S

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 01/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/872,094

Applicant(s)

TSUKAMOTO, RYOHEI

Examiner

Matthew s Gart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/16/2, 11/26/4</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-18 are pending in the instant application.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bornstein (U.S. Patent Number 6,144,388) in view of Rose (U.S. Patent Number 5,930,769).

Referring to claim 1. Bornstein discloses an Internet boutique system for displaying commodities in total coordination, the system comprising:

- A user image database (Bornstein: column 19, lines 15-32, "regardless of how the picture is obtained, the image file may be transferred to the user's picture database.");
- User image managing means for acquiring an image of a user of the Internet boutique system from outside thereof, and recording and

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managing the image of the user in said user image database (Bornstein: column 20, lines 49-67);

- Coordinating means for displaying the image of a commodity selected by the user from the images of commodities for sale in the Internet boutique system, in combination with said image of the user (Bornstein: column 21, lines 41-67);

Bornstein does not expressly disclose an Internet boutique system for selling commodities in total coordination. Rose discloses an Internet boutique system for selling commodities in total coordination, the system comprising:

- Purchase processing means for performing a process of purchasing a commodity (Rose: column 8, lines 16-51);
- A purchased commodity database (Rose: column 8, lines 16-51); and
- Purchased commodity managing means for recording and managing data of the commodity determined to be purchased by said user, in said purchased commodity database (Rose: column 8, lines 16-51).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the method of Bornstein to have included the teachings of Rose in order to provide enhanced services and easy shopping for customers while increasing efficiency (Rose: column 1, line 65 to column 2, line 2).

Referring to claim 2. Bornstein in view of Rose discloses a system according to claim 1 as indicated supra. Rose further discloses a system comprising:

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- Commodity registering means for allowing a seller to register the image of a commodity for display in the Internet boutique system (Bornstein: column 23, lines 20-46);
- A commodity image database (Bornstein: column 23, lines 20-46); and
- Commodity image managing means for classifying the images of commodities for display which are registered by said commodity registering means according to at least type, design, and color, and recording and managing the classified images of commodities in said commodity image database (Bornstein: column 23, lines 20-46).

Bornstein does not expressly disclose an Internet boutique system for selling commodities in total coordination. Rose discloses an Internet boutique system for selling commodities in total coordination. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the method of Bornstein to have included the teachings of Rose in order to provide enhanced services and easy shopping for customers while increasing efficiency (Rose: column 1, line 65 to column 2, line 2).

Referring to claim 3. Bornstein further discloses a system wherein said coordinating means comprises means for simultaneously displaying a first view of a plurality of images of commodities for display in the Internet boutique system, and a second view of a combination of the image of the selected commodity and the image of the user, separately from each other (Bornstein: column 22, line 53 to column 23, line 19).

Bornstein does not expressly disclose an Internet boutique system for selling commodities in total coordination. Rose discloses an Internet boutique system for selling commodities in total coordination. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the method of Bornstein to have included the teachings of Rose in order to provide enhanced services and easy shopping for customers while increasing efficiency (Rose: column 1, line 65 to column 2, line 2).

Referring to claim 4. Bornstein further discloses a system wherein said second view includes a portion at a given ratio of horizontal and vertical dimensions (Bornstein: column 19, line 59 to column 20, line 10), and said first view is disposed in an area other than said second view (Bornstein: column 22, line 53 to column 23, line 19).

Referring to claim 5. Bornstein further discloses a system wherein said first view includes a pair of portions displayed on opposite sides of said second view, and said coordinating means comprises means for displaying a plurality of images of commodities of different types respectively in said portions of the first view (Bornstein: column 22, line 53 to column 23, line 19).

Referring to claim 6. Bornstein further discloses a system wherein said given ratio of horizontal and vertical dimensions is substantially equal to a ratio horizontal and vertical dimensions of a human body (Bornstein: Figure 6A and Figure 6B and column 19, line 59 to column 20, line 10).

Referring to claim 7. Bornstein further discloses a system wherein said user image managing means comprises means for extracting an image in a

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prespecified range from the acquired image of the user, and recording and managing the extracted image in said user image database (Bornstein: Figure 6A and Figure 6B).

Referring to claims 8-13. Claims 8-13 are rejected under the same rationale as set forth above in claims 1-7.

Referring to claims 14-17. Claims 14-17 are rejected under the same rationale as set forth above in claims 1-7.

Referring to claim 18. Claim 18 is rejected under the same rationale as set forth above in claims 1-7.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew s Gart whose telephone number is 703-305-5355. The examiner can normally be reached on 8:30AM to 5:00PM m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MSG
Patent Examiner
January 3, 2005